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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,970	04/27/2001	James Savoie	P-3032.01(UTI)	1652

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EXAMINER

NGUYEN, MERILYN P

ART UNIT PAPER NUMBER

2161

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/844,970

Applicant(s)

SAVOIE ET AL.

Examiner

Merilyn P. Nguyen

Art Unit

2163

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 September 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 3,4,7,8,13,14 and 16.
Claim(s) objected to: _____.
Claim(s) rejected: 1,2,5,6,9-11 and 17-24.
Claim(s) withdrawn from consideration: 12.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


**SAFET METJAHIC
SUPERVISORY PATENT EXAMINER**

Continuation of 11. does NOT place the application in condition for allowance because: Applicants argue that Mezei does not teach "the creation or addition of directives or instructions to the pagination program". The Examiner respectfully point out that this feature is not claimed. What claimed is "adding a field directive to said record... contains an instruction... directing how said pagination program will format said output". Column 20, lines 21-36 broadly read on this limitation as the pagination properties are added to table (record of database). One having ordinary skill in the art would have recognized that pagination properties contain instructions to paginate/format output. Applicants further state, "the ParagraphFormat function allows the user to display currently existing attributes, not to set attributes" (page 15 of Remark). The Examiner respectfully disagrees. Mezei teaches constructing and displaying paragraph formats (col. 28, lines 23-24); therefore, Mezei not only display attributes but also set attributes. Applicants argue that Mezei does not teach adding computer code to a record to make a file readable by the pagination program and to have a desired output. The Examiner respectfully disagrees. By adding the capability to dynamically integrate documents (records) with database systems, handle complex FrameMaker templates in which an information field's size and position are not fixed, combined database columns, combine database rows, select database rows, and navigate data rows using a C language program called DBPublish (See col. 6, lines 8-17), Mezei discloses adding computer code to a record to make a file readable by the pagination program and to have a desired output. DBPublish commands (computer code) allow to retrieve the user-selected row (record) and populating (readable) designed output (col. 6, lines 41-64).

35 U.S.C 103 Rejection:

Applicants argue that Mezei/Sutcliffe combination does not teach or suggest "determination if a recipient has an inherent characteristic which would preclude the delivery of the subject output" and "automatically terminating the publication of a user's personal page based upon any characteristics" (page 17 of the Remark). The Examiner respectfully point out that these recitations are not claimed especially the automatic feature. Sutcliffe teaches terminating the publication or removing a user from viewing the publication of a user's personal page based upon reviewing the security attribute table (See col. 10, line 47 to col. 11, line 3) and based upon prior viewer or recipient information.

Applicants argues that Zellweger is not "reasonably pertinent to the particular problem with which the inventor is involved". The Examiner respectfully point out that since Mezei is silent as to records regarding products, one having ordinary skill in the art would have recognized that it is well known to have records of any type of data such as product information, thus is intended use and therefore Examiner does not give any patentable weight. The Examiner use Zellweger to support the well known of data can be product information. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).